



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

MAR - 6 2015

Ms. L'Oreal Stepney, P.E., Deputy Director
Office of Water (MC-122)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: Approval of site-specific copper criteria for unnamed tributary to Harris County Flood Control Ditch W167-04-00

Dear Ms. Stepney:

The Environmental Protection Agency (EPA) has completed its review of the Texas Commission on Environmental Quality's (TCEQ) request for approval of site-specific criteria for copper, which were developed by the Weatherford U.S., L.P. facility.

The site-specific copper criteria are applicable to a portion of an unnamed tributary (ditch) and to a portion of Harris County Flood Control Ditch W167-04-00, within segment 1014 – Buffalo Bayou above Tidal. As required by 40 CFR §131.20, the request for approval of the copper criteria was originally submitted to EPA for review in February 2014. In response to the original request, EPA informed the TCEQ that the site-specific criteria copper were technically-approvable. However, EPA could not take a formal approval action on the copper criteria under §303(c) of the Clean Water Act at that time, as the public participation requirements found at 40 CFR Part 25 had not been fulfilled. TCEQ recently completed the public participation requirements for the site-specific criteria, through the public notice on the proposed wastewater permit for the Weatherford U.S. facility (WQ00004760-000, NPDES TX0089940). No comments on the site-specific copper criteria were received during the public comment period.

The completed study resulted in water effect ratios (WERs) of 4.55 (measured as dissolved copper) and 5.79 (measured as total copper). Multiplying the dissolved WER by the statewide criteria for dissolved freshwater copper in Table 1 of the *Texas Surface Water Quality Standards* (TSWQS), results in site-specific of 27.25 µg/L (acute) and 19.69 µg/L (chronic). The acute site-specific copper criterion applies at the point of discharge from outfall 001 to the unnamed ditch and the site specific copper chronic criterion applies within the mixing zone in the unnamed ditch and Harris County Flood Control Ditch W167-04-00. The statewide copper criteria apply to the remaining portions of the unnamed tributary and Harris County Flood Control Ditch W167-04-00. Based on our review of the study, the site-specific criteria have been demonstrated to protect aquatic life and are approved for Clean Water Act purposes. The site-specific criteria will be incorporated into Appendix E of the TSWQS in the next triennial revision.

The Endangered Species Act §7 states that "all Federal agencies shall...utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species" and "each Federal agency shall insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species." EPA has determined that approval of the site-specific copper criteria will have no effect on federally-listed threatened and endangered species or on critical habitat.

If you should have any questions, please call me at (214) 665-7101, or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

A handwritten signature in black ink, appearing to read 'WK Honker', with a long, sweeping horizontal line extending to the right.

William K. Honker, P.E.

Director

Water Quality Protection Division

cc: Mike Pfeil, TCEQ - Water Quality Assessment Section (MC-150)
Merrit McElvey, TCEQ - Wastewater Permitting Section (MC-148)
Debbie Miller, TCEQ - Water Quality Standards Group (MC-234)